

REMARKS

The Office Action dated February 4, 2003 has been received and carefully noted. The above amendments and following remarks are submitted as a full and complete response thereto. By this amendment, claims 4, 9 and 14 have been amended to more particularly point out and distinctly claim the invention. No new matter has been added. Accordingly, claims 2-7, 9-12 and 14-17 are pending in this application and are submitted for consideration.

Claims 2-7, 9-12 and 14-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Joao¹ (U.S. Patent No. 5,917,405). In making this rejection, the Office Action took the position that Joao discloses all the elements of the claimed invention.

Claim 4 recites a vehicle monitoring system having an on-vehicle unit provided in a vehicle. The on-vehicle unit includes a vehicle condition monitor for monitoring a condition of the vehicle at a predetermined interval and for outputting vehicle condition data. The vehicle condition data includes conditions inside the vehicle as well as conditions outside the vehicle. An on-vehicle communicator is provided for sending the vehicle condition data output from the vehicle condition monitor. A data server is in communication with the on-vehicle unit. The data server includes a server communicator that receives the vehicle condition data sent from the on-vehicle communicator. A storage section is provided for storing the vehicle condition data from a predetermined past time to the present, and an abnormality determining section is provided for determining whether an abnormality has occurred in the vehicle, based on the vehicle condition data stored in the storage section, and for outputting an

1. The Office Action inadvertently refers to "Joao" as "Doao."

abnormality informing signal when the abnormality has occurred in the vehicle. A portable communicator is provided for communicating with the data server. The server communicator sends the abnormality informing signal output from the abnormality determining section, to the portable communicator.

Claim 9 recites a vehicle monitoring system having an on-vehicle unit provided in a vehicle and a data server for communicating with the on-vehicle unit. The on-vehicle unit includes a vehicle condition monitor for monitoring a condition of the vehicle at a predetermined interval, and for outputting vehicle condition data, and an on-vehicle communicator for sending the vehicle condition data output from the vehicle condition monitor to the data server. The vehicle condition data includes conditions inside the vehicle as well as conditions outside the vehicle. The data server includes a server communicator that receives the vehicle condition data sent from the on-vehicle communicator. A storage section stores the vehicle condition data received by the server communicator from a predetermined past time to the present, and an abnormality determining section determines whether an abnormality has occurred in the vehicle, based on the vehicle condition data stored in the storage section, and for outputting an abnormality informing signal when the abnormality has occurred in the vehicle. A portable communicator communicates with the data server and the server communicator sends the abnormality informing signal output from the abnormality determining section, to the portable communicator.

Claim 14 recites a vehicle monitoring system having an on-vehicle unit provided in a vehicle and a data server for communicating with the on-vehicle unit. The on-vehicle unit includes a vehicle condition monitor for monitoring a condition of the vehicle

at a predetermined interval, and outputting vehicle condition data. A storage section stores the vehicle condition data output from the vehicle condition monitor from a predetermined past time to the present. The vehicle condition data includes conditions inside the vehicle as well as conditions outside the vehicle. An abnormality determining section is provided for determining whether an abnormality has occurred in the vehicle, based on the vehicle condition data stored in the storage section, and for outputting an abnormality informing signal when the abnormality has occurred in the vehicle. An on-vehicle communicator sends the abnormality informing signal output from the abnormality determining section to the data server. The data server includes a server communicator that receives the vehicle condition data sent from the on-vehicle communicator. A portable communicator is provided for communicating with the data server. The server communicator sends the abnormality informing signal output from the abnormality determining section, to the portable communicator.

The Office Action took the position that Joao discloses all of the elements of the claimed invention. However, it is respectfully submitted that the prior art fails to disclose or suggest the structure of the claimed invention, and therefore, fails to provide the advantages that are provided by the present invention. For example, in the present invention, an abnormality determining section is provided for determining whether an abnormality has occurred in the vehicle, based on the vehicle condition data stored in the storage section, and for outputting an abnormality informing signal when the abnormality has occurred in the vehicle. This claimed configuration allows the user, even if he is remote from the vehicle, to reliably know the abnormality of the vehicle and to resolve the abnormality.

Joao discloses a control apparatus for a vehicle comprising a transmitter system for transmitting a signal over a communication system upon activation by the owner of a motor vehicle or the like. The transmitter consists of a user interface device and a receiver. The transmitter system is located external from or separate from the vehicle. A CPU is connected with the receiver for receiving the signals generated by the receiver. The CPU may also have a transmitter for transmitting signals to the transmitter/receiver. In this manner, the CPU may respond to user data transmissions, commands, or inquiries. When used in conjunction with the apparatus, each of the vehicle equipment systems may be activated, de-activated, reset or in some other way controlled and/or monitored by the apparatus. Additionally, an arming device and an activation device may be utilized in conjunction with the apparatus in place of the transmitter/receiver combination so as to provide an automatic monitoring and/or activation of the apparatus. Automatic activation may also be programmed by the user or operator via command codes with apparatus operation activated upon the occurrence, or lack thereof of a specified event.

However, although Joao discloses a remote vehicle monitoring system, it appears that Joao fails to disclose or suggest a vehicle condition monitor for monitoring a condition of the vehicle at a predetermined interval and outputting vehicle condition data, as recited in Applicants' amended claims 4, 9 and 14. Joao also fails to disclose a storage section for storing the vehicle condition data output from the vehicle condition monitor from a predetermined past time to the present, as further recited in Applicants' amended claims 4, 9 and 14. Furthermore, Joao fails to disclose or suggest an abnormality determining section for determining whether an abnormality has occurred in

the vehicle, based on the vehicle condition data stored in the storage section, and for outputting an abnormality informing signal when the abnormality has occurred in the vehicle, as recited in claims 4, 9 and 14.

Therefore, it is respectfully submitted that the Applicants' invention, as set forth in claims 2-7, 9-12 and 14-17, is not anticipated by Joao within the meaning of 35 U.S.C. §102.

As claims 2, 3 and 5-7 depend from claim 4, claims 10-12 depend from claim 9 and claims 15-17 depend from claim 14, Applicants submit that each of these claims recite subject matter which is neither disclosed nor suggested by the prior art, for at least the same reasons set forth with respect to claims 4, 9 and 14.

Additionally, regarding claims 2, 3, 4, 9 and 14, the Office Action on page 4, asserted that the claimed subject matter was recited with respect to claim 1 above. However, as stated in the Response and Request for Withdrawal of Finality of Office Action filed December 2, 2002, claim 1 is no longer pending in the application. Therefore, the rejection is unclear. Furthermore, the Office Action has failed to specifically point out which features in Joao anticipate the claimed subject matters of claims 2-7, 9-12 and 15-17. Therefore, because the Office Action has failed to set forth which elements represent the claim limitations, Applicants respectfully request that a nonfinal Office Action be issued addressing these limitations.

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of claims 2-7, 9-12 and 14-17, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Applicants submit that the application is now in condition for allowance. If the application is not in condition for allowance, Applicants respectfully request that the Examiner contact Applicants' attorney by telephone if it believed that such contact would expedite the prosecution of the application.

The Commissioner is authorized to charge payment for any additional fees, which will be required with respect to this paper toward the deposit of account number 01-2300, **referencing docket number 107439-00034.**

Respectfully submitted,



Lynne D. Anderson
Attorney for Applicants
Reg. No. 46,412

Customer No. 004372
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
1050 Connecticut Avenue, NW, Suite 400
Washington, D. C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810

Enclosures: Petition for Extension of Time (3 months)

LDA:ksm